



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,026	11/03/2003	Steven G. Mathena		2144

7590

07/30/2004

Steven G. Mathena
2524 Congress St. #4
Ft. Myers, FL 33901

EXAMINER


GALL, LLOYD A

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,026	Applicant(s) MATHENA, STEVEN G.	
	Examiner Lloyd A. Gall	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The disclosure is objected to because of the following informalities: The second line of page 6 (ABSTRACT) is grammatically incorrect. On page 1, line 9, "A that" should apparently read --At that--. On page 1, line 9, "when" should be capitalized. On page 2, line 14, "at" should be capitalized. On page 3, line 3, "of" should be deleted. On page 3, line 13, "this" should be capitalized. On page 3, line 20, "13" should be replaced with --19--.

Appropriate correction is required.

Claims 1-3 are objected to because of the following informalities: In claim 1, line 5, it is not clear how information is read in opening (19a) in figure 3. In claim 1, line 6, "reader bar" should be replaced with --bar reader--. See also claim 1, line 7 and claim 2, line 5. In claim 2, line 5, --which-- should be inserted after "information". In claim 3, line 5, "the" should be deleted. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over

McConnell in view of Easley.

McConnell teaches a system for duplicating keys including a basic key reader 14 and a sliding bar reader 32 for touching and determining the location, depths and spaces of wafers within a lock, and reading information at 80, 82 in an opening 30 of the head 16

Art Unit: 3676

of the reader. The free end thereof at numeral 36 in figure 1 defines a knob for the bar reader. Easley teaches providing a bend 22a, 22b for a bar reader to define a knob 28a, 28a. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a bend in the bar reader 32 of McConnell, in view of the teaching of Easley, the motivation being to provide a separate knob for actuating the reader, as well as to provide a friction fit for the reader 32 within the opening 32, to prevent the inadvertent separation or loss of the bar reader 32 from the reader 14.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Herzenberg.

McConnell has been discussed above. Herzenberg teaches providing an identical color (see color match of column 5, line 51) between a knob portion 36 of a key portion and a holder portion 82. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an identical color between the knob (at 36) of McConnell and the reader 14, in view of the teaching of Herzenberg, as an indication of which bar reader should be used with which basic reader.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Naill (151) and Heredia.

McConnell has been discussed above. Naill (151) teaches recording information (see column 3, line 2) for lock decoders 52 for vehicles (see column 1, line 62). Heredia teaches that it is well known to record vehicle information on cards 16, as seen in figure 10J. It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the information of vehicles used with the basic key reader

Art Unit: 3676

of McConnell on cards, in view of the respective teachings of Naill and Heredia, the motivation being to provide a directory for convenient access of information for specific locks, for key duplication purposes.

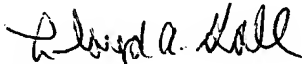
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
July 27, 2004


Lloyd A. Gall
Primary Examiner